

**REMARKS**

Applicants have considered the Office Action dated April 09, 2010 and provide the following response thereto. Applicants present these remarks in a sincere effort to place the application in consideration for allowance. Accordingly, reconsideration is respectfully requested.

**CLAIM REJECTIONS UNDER 35 U.S.C. §102**

In the Office Action, Claims 1-5, 7-14, 16-21, 23 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,555,550 to Kaschke (Kaschke). Applicants respectfully traverse this rejection.

Independent Claim 1, as amended, recites in part, “an over molded portion that extends around the perimeter to form a self contained key pad unit.” Independent Claims 11 and 16 include similar features.

Support for these features can be found throughout the specification. For example, as explained on page 5, lines 22-26 of the specification, in accordance with an embodiment of the present invention, “[r]eferring initially to Figs. 1(a) and 1(b), a plan view and a schematic side view cut of a stand alone and sealed key pad are illustrated respectively. Such key pad 100 includes a top cover 120 and a bottom cover 130 that are being over molded around a common boundary 102, 104, 106, and 108.” (Specification, pg. 5, lines 22-26).

Kaschke describes a keypad apparatus having integral display indicator bars for providing input to a device while displaying the status of the device on the display indicator bars. (See Kaschke, Abstract).

There is no disclosure or suggestion in Kaschke of an over molded portion that extends around the perimeter to form a self contained key pad unit. Instead, the keypad of Kaschke is simply sandwiched between a top portion and a bottom portion. There is simply no overmold that extends around the perimeter of the keypad of Kaschke.

On page 2, the Office Action asserts that the over molded portion is described by 101-104 of fig. 1 of Kaschke. Applicants respectfully contend that reference 101 of Kaschke describes input keys and references 102-104 describe the display indicator bars. None of the references 101-104 describe an overmold as recited in the independent claims. (See Kaschke, Col. 2, lines 38-42).

Thus, Applicants submit that Kaschke fails to anticipate all the claim features defined in independent Claims 1, 11 and 16. Furthermore, Applicants respectfully submit that Claims 2-5 and 7-10 which depend from Claim 1, are patentable over the prior art of record by virtue of their dependence. Similarly, Claims 12-14 which depend from Claim 11, and Claims 17-21 and 23-24 which depend from Claim 16 are patentable over the prior art of record by virtue of their dependence. Therefore, it is respectfully requested that the rejection of Claims 1-5, 7-14, 16-21, 23 and 24 be reconsidered and withdrawn for at least these reasons.

### **CONCLUSION**

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication, or credit any overpayment, to Deposit Account No. 502117. Such authorization includes authorization to charge fees for extensions of time, if any, under 37 C.F.R. § 1.17 and also should be treated as a constructive petition for an extension of time in this reply or any future reply pursuant to 37 C.F.R. § 1.136.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number provided below to discuss any outstanding issues relating to the allowability of the application.

Respectfully submitted,

Please send correspondence to:  
Symbol Technologies, Inc.  
ATT: Patent Administrator  
1303 East Algonquin Rd.  
Schaumburg, IL 60196  
Customer Number: 22917

By: <u>/michael j. giannetta/</u>	<u>09/08/2010</u>
Michael J. Giannetta	Date
Attorney for Applicants	
Registration No. 42,574	
Tel. No. (631) 738-4589	
Fax No. (847) 576-3750	
Email: michael.giannetta@motorola.com	